

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Smt.K.Hemalatha, then Superintendent, Children Home, Adilabad now Retired Additional Child Development Project Officer, Gooty, Ananthapur District - Making of false entries of results of Accounts Test for Subordinate Officers Part – I in A.P.Gazettee No.19-A, dated 07-05-1992 – Convicted in a Criminal Case by the Hon'ble IX M.M.Court, Hyderabad in C.C.No.343 of 1994 and upheld by the VI Additional Metropolitan Sessions Judge, Secunderabad and the Hon'ble High Court of A.P in Crl. Revision Case Nos.1413/99 and 1461/99 - Departmental proceedings initiated under Rule – 20 of the A.P.Civil Services [CCA] Rules, 1991 – Imposing of punishment of 100% cut in pension and Gratuity permanently under Rule – 9 of A.P.Revised Pension Rules, 1980 – Orders – Issued.

DEPT. FOR WOMEN, CHILDREN, DISABLED & SENIOR CITIZENS [ESTT. – A2]

G.O.MS.No. 31

Dated 27th December, 2014

Read the following:-

01. From Project Director, D.W & C.D.A., Adilabad, Lr.No.B/908/99, dated 21-08-1999.
02. Commissioner, W.D & C.W., A.P., Hyderabad, Charge Memo.Rc.No.10358/E2/99, dated 02-09-1999
03. Explanation dated 04-10-1999 submitted by the Charged Officer.
04. Project Director, D.W & C.D.A., Adilabad, Lr.No.B/908/99, dated 13-02-2004.
05. From the Director, W.D & C.W., A.P., Hyderabad,
06. Hon'ble A.P.A.T interim orders dated 07-12-2011 in O.A.No.9240 / 2011.
07. Hon'ble A.P.A.T orders dated 11-09-2013 in O.A.No.9240/2011 with VMA No.1590/2013.
08. Government Memo.No.5239/Estt.A2/2007-18, dated 20-04-2013.
09. From the Commnr., W.D & C.W., A.P., Hyd, Lr.Rc.No.10358/Vig.2/99, dt.10-07-2013 forwarding the written statement of defence dt. 20-06-2013 submitted by the C.O.
10. Government Letter No.5239/Estt.A2/2007-21, dated 31-10-2013.
11. From the Secretary, A.P.P.S.C., Lr.No.2114/RT/1/2013, dated 23-11-2013.
12. Government Memo.No.5239/Estt.A2/2007-22, dated 26-12-2013.
13. From Commissioner, W.D & C.W., A.P., Hyd, Lr.No.10358/Vig.2/98, dated ____-02-2014.
14. Government Letter No.5239/Estt.A2/2007-23, dated 03-03-2014.
15. From the Secretary, APPSC., Hyderabad, Lr.No.2114/RT/1/2013, dated 20-09-2014.

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ORDER:-

Whereas the Project Director, D.W & C.D.A., Adilabad District, vide Letter 1st read above, had informed the Director, W.D & C.W., A.P., Hyderabad, that a criminal case was lodged by the police against Smt.K.Hemalatha, Ex – Superintendent, Children Home, Adilabad, who was arrested and remanded to judicial custody on 28-03-1994 and that the Hon'ble IX M.M Court., Hyderabad, in C.C.No.343 of 1994 pronounced judgment and sentenced her to undergo six months R.I and fine of Rs.300/- in default three weeks simple imprisonment for the offence committed under Section 471 IPC, by misleading the Commissioner, W.D & C.W., making false entries of result of passing the Accounts Test for Subordinate Officers Part – I, which she managed to get published in A.P.Gazettee No.19-A, dated 07-05-1992, based on which she got promotion as C.D.P.O.

2. And whereas the Commissioner, W.D & C.W., A.P., Hyd, has initiated the disciplinary proceedings under Rule – 20 of A.P.C.S (CC&A) Rules, 1991 vide reference 2nd read above by framing the following Article of Charge in respect of Smt.K.Hemalatha, then Superintendent, Children Home, Adilabad: -

CHARGE No.1:

THAT the said Smt.K.Hemalatha, ACDPO, ICDS Project, Asifabad (under suspension) while working as Superintendent of Children Home, Adilabad, mislead the Commissioner, by making false entries of results of Accounts Test for Subordinate Officers Part – I which she managed to get published in A.P.Gazettee No.19-A, dated 07-05-1992. Basing on the results of Accounts Test for Subordinate Officers Part – I conducted by the A.P.P.S.C in December, 1990, she was promoted to the next higher grade i.e. CDPO. Thus she misled the higher authorities.

3. And whereas in the reference 3rd read above, the Charged Officer, had submitted her explanation, denying the charge. The then Director, W.D & C.W., has therefore, appointed the Project Dir., D.W & C.D.A., Adilabad, as Enquiry Officer to inquire into the charge leveled against the Charged Officer.

4. And whereas in the reference 4th read above, the enquiry officer had submitted his enquiry report, stating that the explanation of the Charged Officer is convincing and recommended to drop the charge framed against her and finalize the disciplinary case, accordingly. In the reference 5th read above, the Director, W.D & C.W., has informed the Government that the charge was not held proved in the departmental enquiry, but it was held proved in the criminal case and thus, referred the matter to the Government, for further advice.

5. And whereas the Hon'ble A.P.A.T in its interim orders dated 07-12-2011 in O.A.No.9240/2011 vide reference 6th read above, have directed the respondents to sanction and release the admissible pension, gratuity and amount of encashment of earned leave to the applicant, under Rule – 52 of the A.P.Revised Pension Rules, 1980 read with G.O.Rt.No.1097, Finance & Planning (Pen-I) Dept. dated 22-06-2000, after fixing her pay in the Revised Pay Scales. The Hon'ble A.P.A.T in its orders dated 11-09-2013 in O.A.No.9240/2011 with VMA No.1590/2013 vide reference 7th read above, have directed the respondents to conclude the disciplinary proceedings initiated against the Charged Officer / applicant.

6. And whereas after examining the matter, it was provisionally decided under Rule – 9 of A.P.Revised Pension Rules, 1980 to impose a punishment of 100% cut in pension and Gratuity permanently in respect of the Charged Officer, as she was convicted in a Criminal Case by the orders of the IX M.M.Court, Hyderabad in C.C.No.343 of 1994 which was confirmed by the judgment of VI Additional Metropolitan Sessions Judge, Secunderabad and further upheld by the Hon'ble High Court of A.P. in its judgment dated 03-10-2002 in CrI.Revision Case No.1413/99 and 1461/99 filed by the Charged Officer.

7. And whereas accordingly, Government vide Memo. 8th read above, have issued Show Cause Notice to the Charged Officer, directing her to show cause as to why the punishment of 100% cut in pension and Gratuity permanently under Rule – 9 of A.P.Revised Pension Rules, 1980 shall not be imposed on her, within a period of fifteen days.

8. And whereas in the ref. 9th red above, the Charged Officer has submitted her written statement of defence, stating that since the Enquiry Officer has recommended to drop the charge, the disciplinary authority ought to have accepted the said recommendation and to drop the charge framed against her or otherwise, action has to be taken as contemplated under Rule – 21 of A.P.C.S (CC&A) Rules, 1991, by extending a copy of the enquiry report together with the material relied upon by the disciplinary authority to defer the recommendation. She further stated that she never undergone imprisonment during her entire service and the findings are illusory and Govt. have issued as SCN to her without following the said procedure, which is in gross violation of the principles of natural justice and therefore, she is unable to defend her case properly. The Charged Officer, had therefore, requested the Government to drop further action in the mater besides releasing of service pension and gratuity to her.

9. And whereas, the Government have examined the representation of the Charged Officer and decided to impose a punishment, under Rule-9 of the A.P.Revised Pension Rules, 1980, i.e. 100% cut in pension and Gratuity permanently in respect of Smt.K.Hemalatha, Retired ACDPO, ICDS Project, Gooty, Ananthapur district [now retired], as she was convicted in a Criminal Case by the orders of the IX M.M.Court, Hyderabad in C.C.No.343 of 1994 as confirmed by the judgment of VI Additional Metropolitan Sessions Judge, Secunderabad and further upheld by the Hon'ble High Court of A.P. in its orders dated 03-10-2002 in CrI. Revision Case Nos.1413/99 and 1461/99 filed by her and also as there are no new grounds in the written statement of defence to consider her request, except denying the charge as already denied in her earlier explanation dated 04-10-1999.

10. And whereas, the Government vide Letter 10th read above have forwarded a proposal to the Secretary, A.P.P.S.C to obtain and communicate the concurrence of the ' Commission ' on the provisional decision taken by the Government as in Para – 7 above so as to conclude the disciplinary proceedings, pending against the Charged Officer.

11. And whereas, the Secretary, A.P.P.S.C., vide letter 11th read above among other things, has observed that the enquiry report of the enquiry officer not seems to have been served on the individual as required under Rule – 21 of A.P.C.S (CC&A) Rules, 1991.

12. And whereas, the Government vide its letter 14th read above, among other things have informed the 'Commission' that a copy of the enquiry report has been communicated to the Charged Officer, as

requested by her vide representation dated 29-01-2014, as informed by the Commissioner, W.D & C.W., A.P., Hyderabad, vide its Letter 13th read above.

13. And whereas, the Secretary, A.P.P.S.C., vide letter 15th read above has informed the Government that the 'Commission' has agreed with the proposal of the Government to impose the punishment of 100% cut in pension and Gratuity permanently in respect of Smt.K.Hemalatha, Retired ACDPO, Gooty, Ananthapur and formerly Superintendent, Children Home, Adilabad.

14. Now, the Government after careful consideration of the matter, under Rule – 9 of A.P.Revised Pension Rules, 1980, hereby impose a punishment of 100% (hundred percent] cut in pension and Gratuity permanently in respect of Smt.K.Hemalatha, Retired ACDPO, Gooty, Ananthapur and formerly Superintendent, Children Home, Adilabad, as she was convicted in a Criminal Case by the orders of the IX M.M.Court, Hyderabad in C.C.No.343 of 1994 as confirmed by the judgment of VI Additional Metropolitan Sessions Judge, Secunderabad and further upheld by the Hon'ble High Court of A.P. in its orders dated 03-10-2002 in CrI. Revision Case Nos.1413/99 and 1461/99 filed by her for making of false entries of results of Accounts Test for Subordinate Officers Part – I in A.P.Gazettee No.19-A, dated 07-05-1992.

15. This order issues with the concurrence of A.P.P.S.C vide their Letter 15th read above.

16. The Commissioner (I/c), W.D & C.W., A.P., Hyderabad, is requested to take necessary further action in the matter, accordingly.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

NILAM SAWHNEY,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
The Commissioner (I/c), W.D & C.W., A.P., Hyderabad.
The Accountant – General, A.P., Hyderabad.
The Director of Treasuries and Accounts, A.P., Hyderabad.
Copy to: -
The G.P for M & H [S], A.P.A.T., Hyderabad.
SF / SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER